

FRANKFURT MILAN
HOUSTON MUSCAT
ISTANBUL PARIS
LONDON STAMFORD
MEXICO CITY WASHINGTON, D.C.

ATTORNEYS AND COUNSELLORS AT LAW
101 PARK AVENUE
NEW YORK, NEW YORK 10178-0061

RECEIVED
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HAROLD BAER
U.S. DISTRICT JUDGE
S.D.N.Y.

TELEPHONE 212-696-6000
FACSIMILE 212-697-1559
E-MAIL INFO@CURTIS.COM
INTERNET WWW.CURTIS.COM

WRITER'S DIRECT:
TELEPHONE 212-696-6145
E-MAIL PBEHME@CURTIS.COM
FACSIMILE 917-368-8945

May 8, 2008

BY HAND DELIVERY

Honorable Harold Baer, Jr.
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 2230
New York, New York 10007

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #. _____ DATE FILED: 5/12/08
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Re: Hollman v. Caraballo, et al., No. 07 Civ. 6595 (HB)

Dear Judge Baer:

We represent plaintiff Prentiss Hollman in the above-entitled matter.

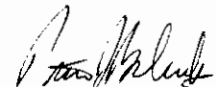
This action was filed by Mr. Hollman as a *pro se* litigant on June 15, 2007. It is apparent from the Motion to Dismiss and supporting papers that Mr. Hollman had not yet exhausted his administrative remedies at the time he filed the Complaint, and therefore the Complaint is subject to dismissal without prejudice pursuant to 42 U.S.C. § 1997e(a). Mr. Hollman has since exhausted his administrative remedies.

Accordingly, rather than filing an opposition to the Motion to Dismiss, we have today filed an Amended Complaint pursuant to Federal Rule of Civil Procedure 15(a)(1)(A) on behalf of Mr. Hollman, *inter alia*, to reflect his exhaustion of administrative remedies. A courtesy copy of the Amended Complaint is enclosed.

In addition, after we entered a Notice of Appearance on behalf of Mr. Hollman, but before Mr. Hollman received notice of our representation, Mr. Hollman filed an Affirmation in Opposition to the Motion to Dismiss. In that we have now filed an Amended Complaint, and

that Mr. Hollman submitted the Affirmation without consultation from his legal counsel, we respectfully request that the Court not consider the Affirmation. We have advised Defendants' counsel of the circumstances regarding the Affirmation, and he has no objection to this request.

Respectfully,


Peter J. Behmke

Enclosure

cc: Jeb Harben, Esq. (via e-mail)
Office of the Attorney General
New York State
120 Broadway
New York, New York 10271

*is no objection by the
Attorney General to either
the amended complaint or to
the original application for
the 11 if this is let the
court w/ the next week re
May 19 or 20 will assume the
is now. I have now
scheduled a POC for 5/15/08
at 10:00*

SO ORDERED:

signed

Date: 5/12/08

Endorsement:

I presume there is no objection by the Attorney General to either the amended complaint or to the application to disregard the original affirmation from the plaintiff- if there is let me know within the next week. i.e., by May 19 or I will assume there is none. I have now scheduled a pre-trial conference for May 15, 2008 at 10:00 A.M.